

## Refused by the Department (plane arrival)

This fact sheet is for people who arrived to Australia by plane on a valid visa and cleared through immigration clearance and who have received a negative decision from the Department of Immigration & Citizenship (DIBP). This factsheet provides information about a person's options and applicable time limits following a negative decision by the Department of Immigration about whether they have been found to be a refugee or owed complimentary protection obligations.

### Your right to appeal

You have the right to appeal this decision to the Tribunal. A strict time limit of 28 days from the date you were notified of the refusal applies. If you are in immigration detention – including community detention, the time limit is 7 working days. **It is very important that you lodge within time.** If you miss out – it is not possible to appeal out of time.

By lodging an appeal, you are asking the Tribunal to take a fresh look at whether you are a refugee and owed protection obligations. There is no fee to apply, but if you lose there is a fee of \$1,604 which you then owe to Australia. This fee is not usually enforced if you are returned to your home country until you attempt to return to Australia, although it can be.

### How to appeal

You can lodge an appeal [online](#), by fax or [in person](#). We recommend you lodge online if you have access to an email address you check regularly. If not, we recommend you take the Department of Immigration's decision to the Tribunal in person and lodge there.

### After you have lodged your appeal

After you submit your appeal application, you will usually receive a letter of acknowledgment and then some time much later, you will receive a notice of your hearing date.

It is important that if you change your address, you let both the Department and the Tribunal know by filling in their respective forms to notify them: otherwise you could miss out on an important notification – for example about your hearing date.

If you don't currently have a complete copy of your file, we also recommend you submit a request under Freedom of Information for your file with the Department now so that you can have this before your hearing with the Tribunal.

### Getting help from RACS

If you would like RACS to take a closer look at your Departmental decision and give you some migration advice about your case, you can email it to [admin@racs.org.au](mailto:admin@racs.org.au) or drop it in to us and then contact us for some more telephone advice. Please note that unfortunately we won't contact you after you send us your decision – you'll also need to then contact us afterwards for some advice.

You might also find the factsheet "what happens at an AAT hearing" which is available on our website useful information to understand what to expect next.

**Please note:** This factsheet contains general information only. It does not constitute legal or migration advice. If you would like more detailed information on any aspect, please refer to RACS fact sheets available at [www.racs.org.au](http://www.racs.org.au). RACS is independent of the Department of Immigration. All assistance is free. This factsheet was prepared in October 2016.